

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRANCISCO FERMIN, EMILIO MORENO,
and ANDRES DEL ROSARIO, on behalf of themselves and
others similarly situated,

Plaintiffs,

-against-

LAS DELICIAS PERUANAS RESTAURANT, INC.,
BERTHA MARCONI, and NICOLAS DE PIEROLA,

Defendants.
-----X

Case No. 14-CV-559
(RRM) (VMS)

**AFFIRMATION IN
SUPPORT**

I, JUSTIN CILENTI, affirm under penalty of perjury that:

1. I am an attorney admitted to practice law within the courts of the State of New York, including within the United States District Court for the Eastern District of New York. I am a member of the law firm Ciletti & Cooper, PLLC, counsel to plaintiffs Francisco Fermin, Emilio Moreno, and Andres Del Rosario ("Plaintiffs") in this action.

2. I submit this Affirmation in support of Plaintiffs' request that the Clerk of Court enter default against defendants Las Delicias Peruanas Restaurant, Inc., Bertha Marconi, and Nicolas De Pierola (collectively, "Defendants"), as a result of Defendants' failure to plead or otherwise respond to Plaintiffs' Complaint.

3. Plaintiff commenced this action by the filing of a Summons and Complaint on January 27, 2014. (See Docket #1).

4. On February 7, 2014, Defendants were served with a copy of the Summons and Complaint at the Defendants' principal place of business located at 43-07 104th Street, Corona, New York 11368. (See Docket #4-6).

5. Defendants' time to plead or otherwise respond to Plaintiffs' Complaint expired on February 28, 2014.

6. Defendants were not granted an extension of time to respond to the Complaint by Plaintiffs or the Court.

7. To date, Defendants have not filed an Answer, moved, or otherwise responded or appeared in response to Plaintiffs' Complaint in this action.

8. On May 15, 2014, by Electronic Order, the Court notified Plaintiffs that due to Defendants' default status, Plaintiffs were required to request to have default entered against Defendants.

9. To Plaintiffs' knowledge and belief, the defaulting Defendants are not minors, mentally incompetents, nor in the military service of the United States.

10. Defendants, having failed to appear or otherwise move, are in default.

11. Accordingly, it is respectfully requested that the Clerk of Court enter default against Defendants Las Delicias Peruanas Restaurant, Inc., Bertha Marconi, and Nicolas De Pierola.

Dated: New York, New York
June 13, 2014

Respectfully submitted,

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By:


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